

PURPOSE

To outline the process for appeals.

SCOPE

- Start Point** A student wishes to appeal an Institute decision.
- Finish Point** Appeals decision reached - process finalised.
- Teams Involved** Appeals Committee, Teaching Staff, Student, International Unit

OBJECTIVES

Customer Group	Objectives (for each Customer Group)
Students of Brisbane North Institute of TAFE	To outline the process to undertake for appeals.

DEFINITION

[ESOS Act](#) [Education Services for Overseas Students Act 2000](#)

Overseas Student A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act.

DOCUMENTATION AND REFERENCES

- IP59** International Student Deferral, Suspension or Cancelling of Enrolment Policy.
- IP43** International Student Satisfactory Progress Policy
- IP58** International Students Transfer Policy

COMPLIANCE REFERENCE

Australian Quality Training Framework:
Standard 2 – The RTO adheres to principles of access and equity and maximises outcomes for its clients
Element 2.6 – Complaints and appeals are addressed efficiently and effectively
National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 – Standard 8 Complaints and Appeals

PROCESS**General Information**

- The student has the opportunity to formally present his or her case at minimal or no cost to the student.
- The student will be given a written statement of the outcome, including details of the reasons for the outcome.
- The appeals process will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information.
- The decision of the Appeals Committee is final. If an overseas student is not satisfied with the final result of the internal appeals process, the student has the right to pursue external independent appeal processes.
- At the beginning of each academic year the membership of the Appeals committee will be reviewed however this committee will convene on a “needs only” basis.

Appeals Committee will comprise:

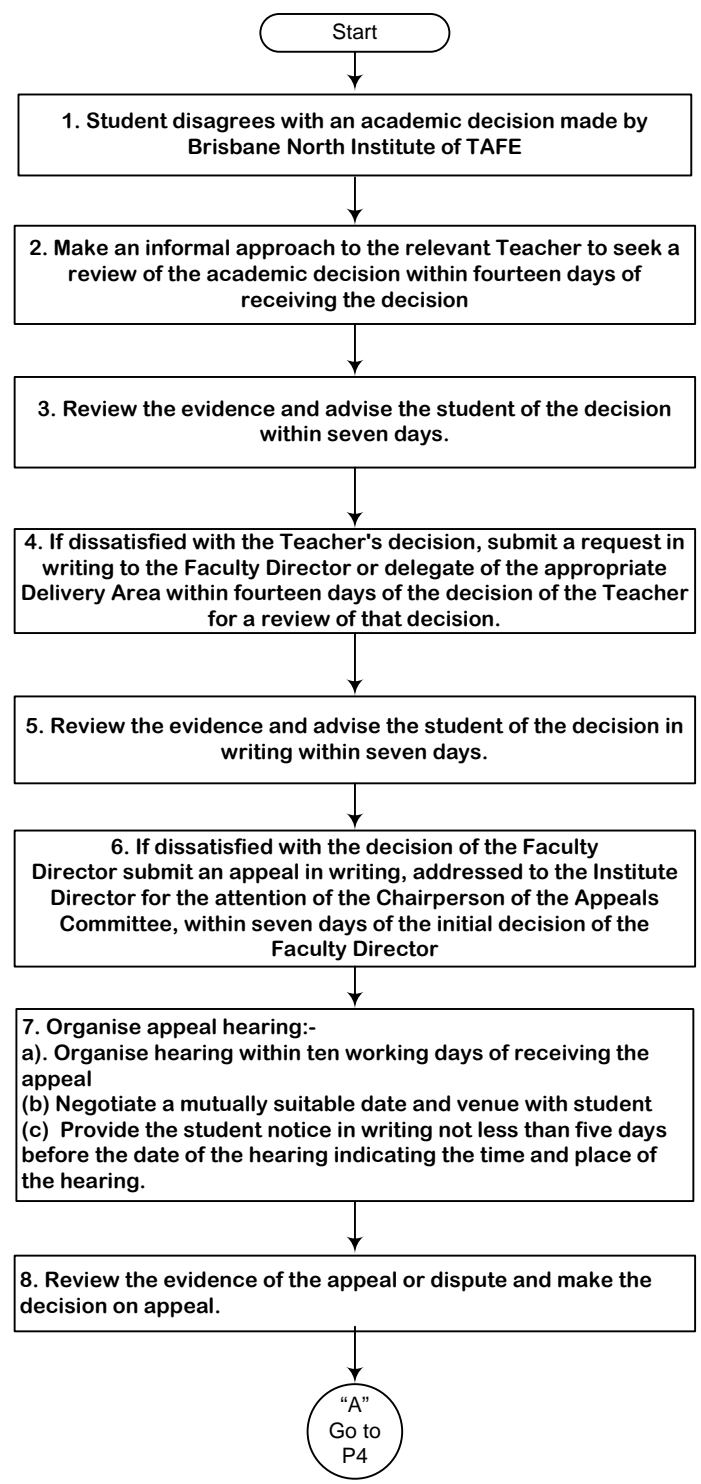
- Director Education and Training - (Chairperson)
- Academic Manager
- *For Academic Appeals*
A leading vocational teacher (LVT) from a vocational area other than the area from which the appeal has originated.
- *For an appeal by an International student regarding a refund or release*
An external representative with International student compliance/legislative knowledge e.g. a representative from Queensland Vet Export Office.
- In addition the appellant may nominate to the Director or Delegated Officer an independent external content expert from the field of study in which the student is enrolled

NOTE:

To ensure the Appeals Committee is independent and unbiased anyone who has been involved in the decision which is subject to appeal **can not** be a member of the Appeals committee ie if a Faculty Director made the decision they may not be part of the Appeals committee but must provide all documentation to support the decision to the Appeals Committee to assist with their deliberations.

For ease of access this process has been divided into three different appeal types. Click on the link below to access the appropriate appeal process

- [Academic Appeals against a final grade made by Brisbane North Institute of TAFE Queensland](#)
- [Appeal by an International Student in breach of their academic requirements](#)
- [Appeal by an International Student who has been refused either a refund or a release from study at Brisbane North Institute of TAFE.](#)

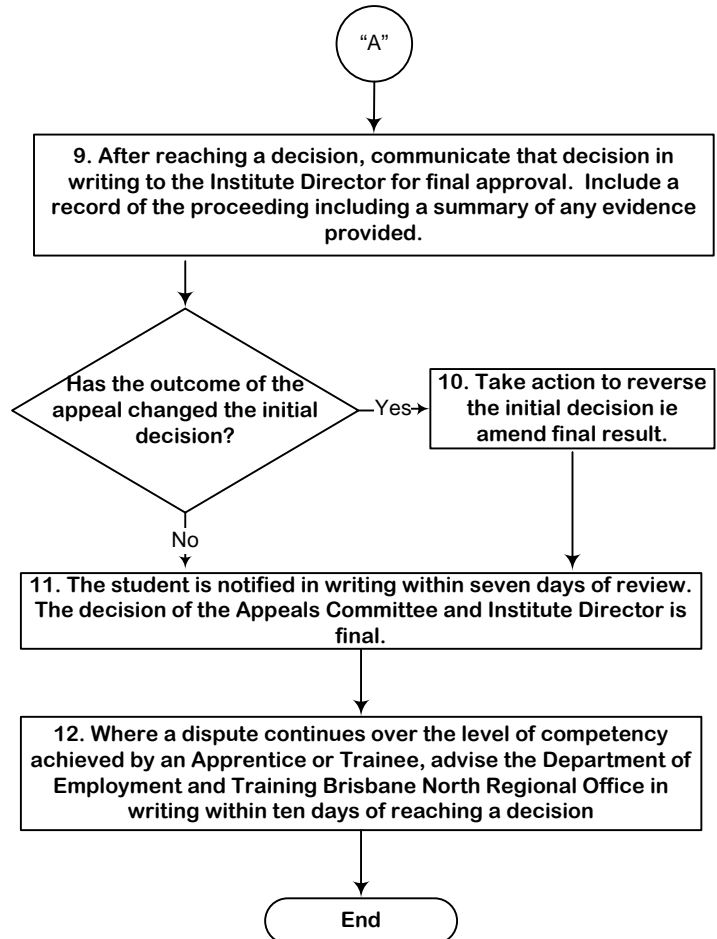
Responsibilities	Action Steps	Qualifying Remarks
	<p>Academic Appeals</p> <p><i>A Result must have been issued before an Appeal can be submitted. An expected result is not sufficient grounds for an appeal.</i></p>  <pre> graph TD Start([Start]) --> Step1[1. Student disagrees with an academic decision made by Brisbane North Institute of TAFE] Step1 --> Step2[2. Make an informal approach to the relevant Teacher to seek a review of the academic decision within fourteen days of receiving the decision] Step2 --> Step3[3. Review the evidence and advise the student of the decision within seven days.] Step3 --> Step4[4. If dissatisfied with the Teacher's decision, submit a request in writing to the Faculty Director or delegate of the appropriate Delivery Area within fourteen days of the decision of the Teacher for a review of that decision.] Step4 --> Step5[5. Review the evidence and advise the student of the decision in writing within seven days.] Step5 --> Step6[6. If dissatisfied with the decision of the Faculty Director submit an appeal in writing, addressed to the Institute Director for the attention of the Chairperson of the Appeals Committee, within seven days of the initial decision of the Faculty Director] Step6 --> Step7[7. Organise appeal hearing:- a) Organise hearing within ten working days of receiving the appeal (b) Negotiate a mutually suitable date and venue with student (c) Provide the student notice in writing not less than five days before the date of the hearing indicating the time and place of the hearing.] Step7 --> Step8[8. Review the evidence of the appeal or dispute and make the decision on appeal.] Step8 --> End((A Go to P4)) </pre>	
1. Student	1. Student disagrees with an academic decision made by Brisbane North Institute of TAFE	
	2. Make an informal approach to the relevant Teacher to seek a review of the academic decision within fourteen days of receiving the decision	
3. Teacher/ Assessor	3. Review the evidence and advise the student of the decision within seven days.	
4. Student	4. If dissatisfied with the Teacher's decision, submit a request in writing to the Faculty Director or delegate of the appropriate Delivery Area within fourteen days of the decision of the Teacher for a review of that decision.	
5. Faculty Director of the relevant Delivery Unit	5. Review the evidence and advise the student of the decision in writing within seven days.	
6. Student	6. If dissatisfied with the decision of the Faculty Director submit an appeal in writing, addressed to the Institute Director for the attention of the Chairperson of the Appeals Committee, within seven days of the initial decision of the Faculty Director	6. All appeals must be registered through the Institute Directorate to ensure timeframes are monitored in accordance with this procedure
7. Appeals Committee Chairperson	7. Organise appeal hearing:- a) Organise hearing within ten working days of receiving the appeal (b) Negotiate a mutually suitable date and venue with student (c) Provide the student notice in writing not less than five days before the date of the hearing indicating the time and place of the hearing.	7. The student has the right to present his or her case at minimal or no cost.
8. Appeals Committee	8. Review the evidence of the appeal or dispute and make the decision on appeal.	7c Advise the student that: 1) They are able to provide additional evidence or clarification of earlier provided evidence at the hearing ie they can tell their side of the story. 2) They may bring a support person to the hearing with them

Responsibilities	Action Steps	Qualifying Remarks
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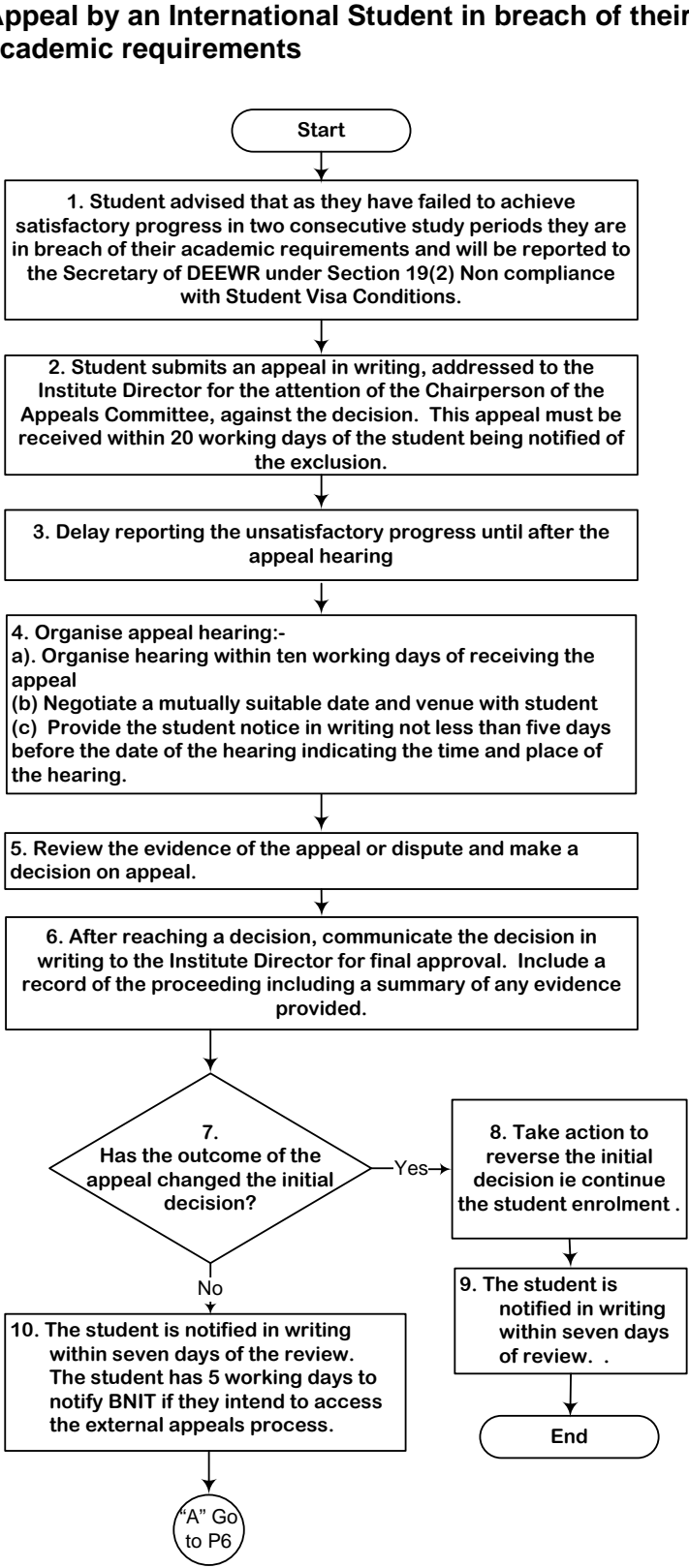
9. Appeals Committee Chairperson

10. Appeals Committee Chairperson

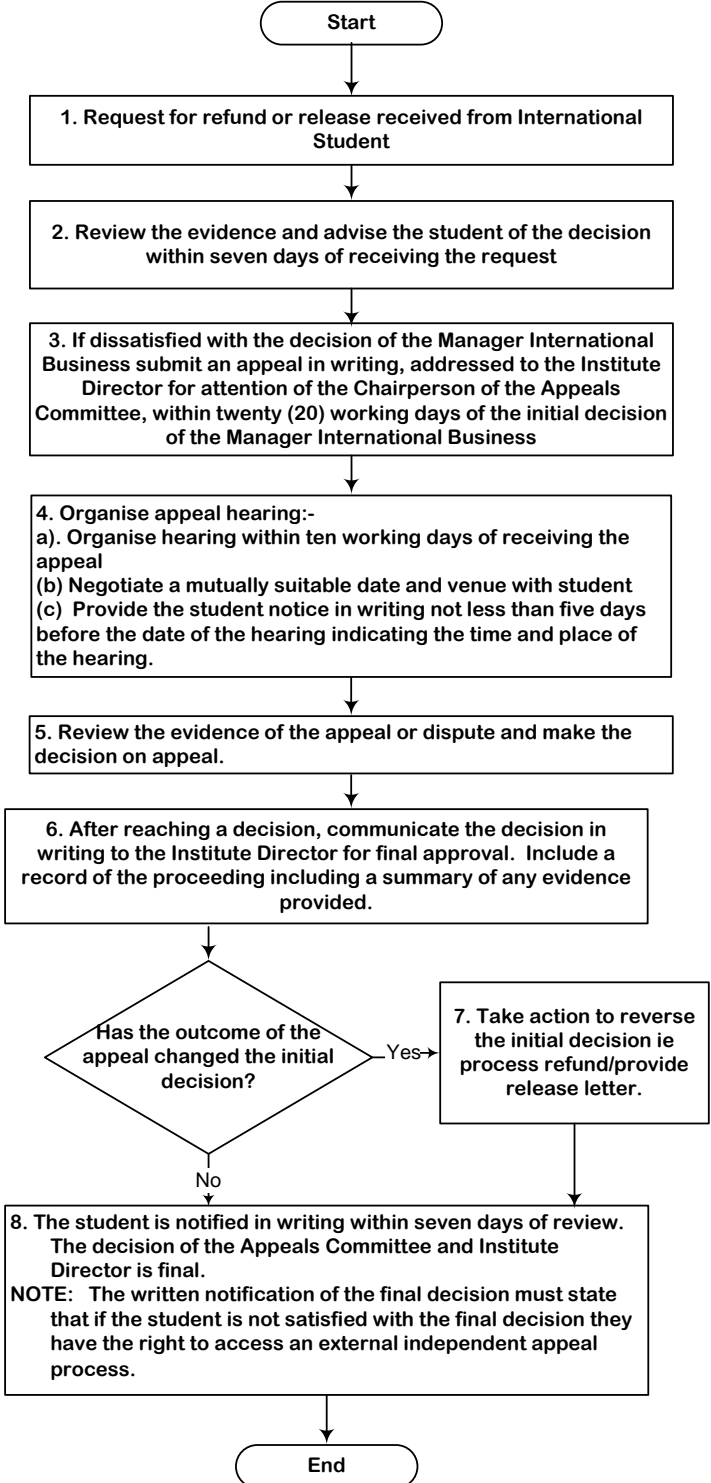
11. Appeals Committee Chairperson



9 The recommendation of the Appeals Committee and the final decision of the Institute Director is final 'Judicial Review Act 1991'. However If the appellant is an overseas student (see definition Page 1) the written notification of the final decision must state that if the student is not satisfied with the final decision they have the right to access an external independent appeal process.

Responsibilities	Action Steps	Qualifying Remarks
<p>3. International Unit</p> <p>4. Appeals Committee Chairperson</p> <p>5. Appeals Committee</p> <p>6. Appeals Committee Chairperson</p> <p>8. International Unit</p> <p>9. International Unit</p> <p>10. Appeals Committee Chairperson</p>	<p>Appeal by an International Student in breach of their academic requirements</p>  <pre> graph TD Start([Start]) --> Step1[1. Student advised that as they have failed to achieve satisfactory progress in two consecutive study periods they are in breach of their academic requirements and will be reported to the Secretary of DEEWR under Section 19(2) Non compliance with Student Visa Conditions.] Step1 --> Step2[2. Student submits an appeal in writing, addressed to the Institute Director for the attention of the Chairperson of the Appeals Committee, against the decision. This appeal must be received within 20 working days of the student being notified of the exclusion.] Step2 --> Step3[3. Delay reporting the unsatisfactory progress until after the appeal hearing] Step3 --> Step4[4. Organise appeal hearing:- a) Organise hearing within ten working days of receiving the appeal (b) Negotiate a mutually suitable date and venue with student (c) Provide the student notice in writing not less than five days before the date of the hearing indicating the time and place of the hearing.] Step4 --> Step5[5. Review the evidence of the appeal or dispute and make a decision on appeal.] Step5 --> Step6[6. After reaching a decision, communicate the decision in writing to the Institute Director for final approval. Include a record of the proceeding including a summary of any evidence provided.] Step6 --> Step7{7. Has the outcome of the appeal changed the initial decision?} Step7 -- Yes --> Step8[8. Take action to reverse the initial decision ie continue the student enrolment.] Step7 -- No --> Step10[10. The student is notified in writing within seven days of the review. The student has 5 working days to notify BNIT if they intend to access the external appeals process.] Step8 --> Step9[9. The student is notified in writing within seven days of review.] Step9 --> End([End]) Step10 --> Connector((A Go to P6)) </pre>	<p>1. As per IP43 International Student Satisfactory Progress Policy a student who has failed to achieve satisfactory achievement in at 50% of competencies in a second consecutive term/semester following an intervention plan will receive a letter of intention to report student to DIAC for unsatisfactory course progress.</p> <p>2. All appeals must be registered through the Institute Directorate to ensure timeframes are monitored in accordance with this procedure</p>

Responsibilities	Action Steps	Qualifying Remarks
<p>12. International Unit</p> <p>13. International Unit</p> <p>16. International Unit</p> <p>17. International Unit</p>	<pre> graph TD A((A)) --> D11{11 Will the student access the external appeals process} D11 -- Yes --> S14[14. The student must not be reported to DEEWR and the enrolment must be maintained until the external appeals process has finished.] D11 -- No --> S12[12. Process BNIT's original decision to report/suspend/cancel enrolment and notify DEEWR through PRISMS. Generate Section 20 notice from PRISMS and send to Student] S14 --> D15{15. Does the outcome of the external appeals process support BNIT's original decision to report the Student?} D15 -- Yes --> S12 D15 -- No --> S16[16. Take action to reverse the initial decision ie continue the student enrolment .] S12 --> S13[13. Place all documents, copies of evidence, letters and correspondence, minutes etc in student's file.] S16 --> S17[17. Advise student of action taken] S17 --> S13 S13 --> End([End]) </pre>	

Responsibilities	Action Steps	Qualifying Remarks
<p>2. Manager International Business</p> <p>4. Appeals Committee Chairperson</p> <p>5. Appeals Committee</p> <p>6. Appeals Committee Chairperson</p> <p>7. International Unit</p> <p>8. Appeals Committee Chairperson</p>	<p style="text-align: center;">Appeal by an International Student who has been refused either a refund or a release from study at Brisbane North Institute of TAFE.</p>  <pre> graph TD Start([Start]) --> Step1[1. Request for refund or release received from International Student] Step1 --> Step2[2. Review the evidence and advise the student of the decision within seven days of receiving the request] Step2 --> Step3[3. If dissatisfied with the decision of the Manager International Business submit an appeal in writing, addressed to the Institute Director for attention of the Chairperson of the Appeals Committee, within twenty (20) working days of the initial decision of the Manager International Business] Step3 --> Step4[4. Organise appeal hearing:- a) Organise hearing within ten working days of receiving the appeal b) Negotiate a mutually suitable date and venue with student c) Provide the student notice in writing not less than five days before the date of the hearing indicating the time and place of the hearing.] Step4 --> Step5[5. Review the evidence of the appeal or dispute and make the decision on appeal.] Step5 --> Step6[6. After reaching a decision, communicate the decision in writing to the Institute Director for final approval. Include a record of the proceeding including a summary of any evidence provided.] Step6 --> Decision{Has the outcome of the appeal changed the initial decision?} Decision -- Yes --> Step7[7. Take action to reverse the initial decision ie process refund/provide release letter.] Decision -- No --> Step8[8. The student is notified in writing within seven days of review. The decision of the Appeals Committee and Institute Director is final. NOTE: The written notification of the final decision must state that if the student is not satisfied with the final decision they have the right to access an external independent appeal process.] Step7 --> Step8 Step8 --> End([End]) </pre>	<p>3 All appeals must be registered through the Institute Directorate to ensure timeframes are monitored in accordance with this procedure</p> <p>6 The recommendation of the Appeals Committee and the final decision of the Institute Director is final 'Judicial Review Act 1991'. However if an overseas student (see definition Page 1) is not satisfied with the final decision they have the right to access an external independent appeal process.</p>

DOCUMENT AUTHORISATION

Owned by	Academic Manager
Endorsed by	Manager International Business and Director Client Relations
Authorised by	Director, Education & Training